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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,366	02/26/2004	David A. Eatough	3408.2.6	7955
21552	7590	04/20/2007		
MADSON & AUSTIN GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			EXAMINER STEELMAN, MARY J	
			ART UNIT	PAPER NUMBER
			2191	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No. 10/787,366	Applicant(s) EATOUGH ET AL.	
	Examiner MARY STEELMAN	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/26/04, 6/1/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/01/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending.

Information Disclosure Statement

2. IDS received 06/01/2004 has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

A person shall be entitled to a patent unless –

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,920,555 B1 to Peters et al.

Per claims 1, 10, and 15:

A method for writing an image to a storage device of a computer system, the method comprising:
Col. 4: 48-52, perform one or more steps for coordinating partition manipulations, imaging, and user profile migration

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Col. 7:65- col. 8:3, migration content is captured...and is saved 208 in the migration content storage partition

-receiving an image on the computer system, wherein the computer system has a current operating system and includes a hard drive having a file system;

Peters: Col. 3: 34, an operating system upgrade Col. 4: 43, hard disks

Col. 8: 24-26, newly imaged partition 600 in the computer's partitionable storage 102 includes the newly deployed operating system, the operating system upgrade, the rollback image...

-storing the image on the computer system;

Peters: col. 2: 40-44, saves migration content into the provided migration content storage partition.

-using an imaging tool to write the image to the hard drive of the computer system, wherein the imaging tool uses a temporary file system to access the image, wherein the temporary file system is transparent to the imaging tool and wherein the temporary file system is not the file system of the hard drive.

Peters: Col. 2: 20-25, migration content storage partition Col. 2: 55-57, restore migration content from the migration content storage partition into the newly imaged partition, thereby customizing the new image. Col. 8: 36-38, migration content is read back from its temporary storage location and applied to the newly image partitions

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Per claim 2:

-the image is stored on one or more partitions of the hard drive of the computer system without using the file system.

Peters: Col. 3: 1-10, Migration code may reside in various computer readable media...files on a bootable CD, files in the new image on the computer's disk, and/or command files for network management tools.

Per claim 3:

-writing the image to the one or more partitions of the hard drive of the computer system such that the imaging tool is accessing the image from the same hard drive as it is writing the image to.

Peters: Col. 8: 36-38, migration content is read back from its temporary storage location and applied to the newly image partitions

Per claim 4:

-running an imaging operating system that is different than the current operating system, wherein the imaging tool operates on the imaging operating system.

Peters: Col. 5: 6-8, boot management program that permits a user to select between two or more operating systems 104 that are installed on the computer system 100.

Per claims 5, 11, and 16:

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-the imaging operating system comprises DOS.

Peters: col. 5: 3, Microsoft Corporation Windows operating systems (built on DOS) Col. 11: 59,
DOS

Per claims 6, 12, and 17:

-the temporary file system is implemented at the BIOS level through use of an interrupt.

Peters: Col. 3: 11-14, Some methods of the invention pass control from one part of the migration code to the next part by rebooting (BIOS / interrupt) the computer, so that automatically executed batch files – which are run after a reboot – will invoke the next tool.

Per claims 7 and 13:

-sending the image from an administrative system to the computer system.

Peters: See FIG. 4A & related text at col. 10: 14.

Per claim 8:

-the image is multicast by the administrative system.

Peters: Col. 21: 35-36, migrations can proceed in parallel on multiple clients (multicast)

Per claim 9, 14, and 18:

-the image is stored on an unformatted partition of the hard drive and on the final sectors of the unformatted partition.

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Peters: Col. 7: 47-50, implicit partition, namely, space in the medium 102 which lies outside all expressly defined partitions and which has a beginning and end implicitly defined by one or more express partitions and/or disk edges.

Per claim 15:

See limitations addressed in claims 1 and 7 above. "Imaging server" – Col. 6: 6-8, possible to configure or reconfigure the computer system 100 from a remote machine (imaging server) over a network.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

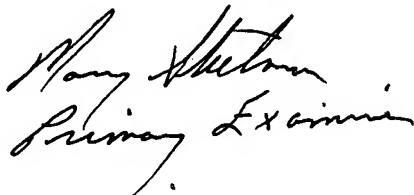
Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

04/12/2007

Handwritten signature of Mary Steelman in cursive script.